IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4859 OF 2005

Vijaykumar Girdharilal Gupta ...Applicant
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.S.G.Surana for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 5,2005

P.C.:

1. Heard Advocates for the parties. On the last date the submissions of the Advocates were heard and the application was kept today to enable the learned A.P.P. to produce the report of the Examiner of the documents.

2. The Applicant has been arrested in connection with the offence registered under sections 406, 420,465,467,468,471 read with Section 34 of the Indian Penal Code. It is not in dispute that the charge sheet has been flied. The allegation against the Applicant mainly appears to be that he sold certain shares by putting forged signatures and has received huge amounts by selling the shares. According to the case of the prosecution, the company Asian Paints allotted bonus shares in the year 1996 and the said bonus shares were handed over by the company to a firm for the purposes of distribution. About 2000 shares of the company were stolen. The allegation is that the Applicant on the basis of false and

fabricated shares received a huge amount and committed the offence in question.

3. The admitted signature writing of the Applicant and the signatures which are allegedly forged by the Applicant were sent to the Additional Chief Examiner of Documents for examination. The report submitted by the Examiner of documents, at this stage, does not appear to support the case of the prosecution.

4. Considering the aforesaid aspect the Applicant need not be detained in custody after filing of the charge sheet as the trial is not likely to be concluded in a near future. Stringent conditions can be imposed upon the Applicant so as to ensure his presence.

5. Hence, I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.82 of 1996 registered with EOW,CB.CID, Unit No.V, Mumbai subject to furnishing a personal bond of Rs.50,000/- (Rupees fifty thousand only) with one or two local sureties in the like amount. If the Applicant furnishes cash surety of Rs.50,000/-, he will be granted time of four weeks to furnish local sureties in terms of this order.

ii) Bail is granted subject to the condition that till the conclusion of trial on every Saturday the Applicant will report to the concerned Investigating Officer.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vi) Parties to act upon an authenticated copy of this order.

JUDGE